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11 XX GLOBAL, INC. and JACQUES WEBSTER
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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
15

16 PJAM LLC,
17 Plaintiff,
18 vs.
19 XX GLOBAL, INC., JAQUES
20 WEBSTER, and DOES 1-20, inclusive,
21 Defendants.
22

CASE NO.: 2:18-cv-03192 JFW
(MRWx)

Hon. John F. Walter

**DECLARATION OF MATTHEW
CAVE IN SUPPORT OF JOINT
MOTION IN LIMINE NO. 2:
MOTION OF DEFENDANTS AND
COUNTERCLAIMANTS XX
GLOBAL, INC. AND JACQUES
WEBSTER TO PRECLUDE ANY
REFERENCE TO TRAVIS SCOTT
MISSING OTHER
PERFORMANCES**

23 XX GLOBAL, INC. and JACQUES
24 WEBSTER,
25

Counterclaimants,

26 vs.
27

28 PJAM LLC, JEFFERSON AGAR,
ALEX MARTINI, PATRICK
JOHNSTON, and ROES 1 through 10,
inclusive,

Counterclaim Defendants.

Hearing Date: April 5, 2019

Hearing Time: 10 a.m.

Pre-Trial Conf.: March 29, 2019

Trial Date: April 9, 2019

Action Commenced: March 20, 2018

1 I, Matthew Cave, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am an
3 associate with King, Holmes, Paterno & Soriano, LLP, attorneys for Defendants and
4 Counterclaimants XX Global, Inc. and Jacques Webster (together, "Defendants") in
5 the above-entitled action. I submit this declaration in support of Joint Motion in
6 Limine No. 2: Motion of Defendants and Counterclaimants XX Global, Inc. and
7 Jacques Webster to Preclude Any Reference to Travis Scott Missing Other
8 Performances. I have personal knowledge of the matters set forth below and would
9 testify competently to them if asked.

10 2. Motion in Limine No. 2 seeks to preclude any reference to Mr. Webster
11 (p/k/a Travis Scott) missing scheduled performances, for any reason, other than the
12 event at issue in this case.

13 3. The subject matter of this motion has been discussed with opposing
14 counsel, Stephen Tomasulo. Mr. Tomasulo has mentioned during meet and confers
15 that such matter will be mentioned in the presence of the jury, specifically during his
16 cross-examination of Mr. Webster.

17 4. Defendants will be prejudiced if this motion is not granted because any
18 references to other performances that Mr. Webster has missed do not bear on any
19 question of fact or law before the jury in this case, and therefore are irrelevant. Such
20 references would distract the jury from the one contract at issue and the alleged
21 breaches of that contract. This could lead to several mini-trials (within the main
22 trial) regarding the various reasons why Mr. Webster missed other shows—none of
23 which would be relevant here, and all of which would confuse and muddle the
24 issues in this case. Such references may also cause jurors to unfairly infer that Mr.
25 Webster has a pattern of missing performances that his fans pay to attend, which
26 could stir up emotions for any juror who has attended a concert or other event where

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1 the scheduled performer failed to show up or perform.

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3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct.

5 Executed March 14, 2019, at Los Angeles, California.

6
7 
8 Matthew Cave